

MAY - 8 2001

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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In The Matter Of )

Amendment of Section 73.606 (b) )

Table of Allotments )

Television Broadcast Stations )

(Richland Center, Wisconsin) )  
\_\_\_\_\_

MM Docket No. \_\_\_\_\_

RM No. \_\_\_\_\_

**PETITION FOR LEAVE TO AMEND PETITION FOR RULE MAKING**

Fant Broadcast Development, L.L.C. ("Fant"), by its attorneys, hereby requests leave to amend its Petition for Rule Making, which Fant filed on July 11, 2000. Fant's petition sought to amend the TV Table of Allotments to change the allotment of Channel 45+, Richland Center, WI to Channel 59.<sup>1</sup> Unfortunately, however, at the time that Fant filed its petition, the FCC data base did not reflect an minor modification application which was filed on April 28, 2000 by the permittee of DTV Channel 59, Ames, IA, Capital Communications Company, Inc. ("Capital"). Operation on NTSC Channel 59 at Richland Center as proposed by Fant would cause 2.6% interference to Capital's DTV station on Channel 59 at Ames, which is well above the Commission's .5% de minimis standard.

Consequently, Fant requests leave to submit this amendment to its petition for rule making, which as shown in the attached Engineering Statement of WES, Inc. cures the defect in

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<sup>1</sup>Fant had filed an application in 1996 for Channel 45 in Richland Center, WI, but operation on NTSC Channel 45 would have caused unacceptable interference to DTV Channel 44, Fond du Lac, WI

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its proposal caused by the Ames application, which as noted above was not in the FCC's data base at the time Fant filed its petition.

Fant proposes that the allotment of NTSC Channel 59 to Richland Center be made specifying a peanut antenna with main lobes oriented at 135 and 315 degrees. As shown in the attached Engineering Statement, in Exhibits ANT-1 and FLR-3-NEW, with the foregoing antenna, the interference from NTSC Channel 59, Richland Center to DTV Channel 59, Ames would be less than .5% and, therefore, would be considered negligible and acceptable by the Commission.

Fant understands that under the Notice of Proposed Rule Making, FCC 01-91, released March 28, 2001 ("NPRM"), the Commission suspended the processing of all Channel 59 NTSC proposals. However, in that NPRM, the Commission stated that it would permit "limited amendments to specify another channel, if available." NPRM at ¶24. Thus, Fant is submitting the instant amendment, out of an abundance of caution, to ensure that it is afforded the opportunity to amend its NTSC Channel 59 proposal to specify another channel, in accordance with paragraph 24 of the NPRM.

Good cause supports this request for leave to submit the instant amendment. Fant was unaware of the filing of the Ames application because it was not in the FCC's data base. Fant is attempting to bring the first local commercial television service to Richland Center. In 1986, the Commission concluded that the public interest would be served by an allotment of the first local commercial television service to Richland Center on channel 45. Richland Center, 1986 FCC Lexis 3384 (May 23, 1986). Fant asks that it be permitted to amend its proposal to bring this worthwhile service to Richland Center.

Moreover, Fant has indicated a willingness to affiliate with the WB Television Network if it obtains the construction permit for the proposed Richland Center station. Longstanding Commission policy favors fostering the development of additional television networks. See, e.g., VHF-Drop-In Proceeding, 81 FCC 2d 233, 253 (1980). Thus, the public interest strongly favors permitting Fant to amend its petition as requested herein.

Wherefore, Fant Broadcast Development, L.L.C. respectfully requests that the Commission accept the foregoing amendment to its petition for rule making to make the necessary changes to Fant's proposal to change the allotment of the first commercial television service to Richland Center, WI.

Respectfully submitted,

By:



\_\_\_\_\_  
Dean R. Brenner  
CRISPIN & BRENNER, P.L.L.C.  
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Suite 1105  
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(202) 828-0155  
Attorney for Fant Broadcast Development, L.L.C.

Dated: May 8, 2001

**WES, INC.**  
**6200 Valeria Ln.**  
**El Paso, TX 79912**

**505-589-2224**

**May 3, 2001**

**ENGINEERING STATEMENT TO SUPPORT  
AMENDMENT TO PETITION FOR RULEMAKING  
FOR RICHLAND CENTER, WI CHANNEL 59**

**WES, INC.**

**Narrative Statement**

**I. GENERAL**

This engineering report has been prepared on behalf of Fant Broadcast Development, L.L.C. in support of its request to allot Channel 59 to Richland Center, WI.

**II. ENGINEERING DISCUSSION**

The applicant originally applied for a construction permit for channel 45 in Richland Center, WI. The applicant was precluded from going on channel 45 due to interference to Fond Du Lac, WI, digital channel 44, as stated in the Petition for Rulemaking filed July 11th, 2000. While the applicant is sufficiently spaced to the Ames, IA co-channel DTV allotment, the FCC's staff has stated that Richland Center, WI Channel 59 will now cause 2.6% interference to Ames, IA, which is well above the 0.5% de-minimus standard. This is a result of the maximization application of Ames, IA DTV. The interference is now demonstrated to be less than 0.5% utilizing a peanut antenna with main lobes oriented at 135 and 315 degrees as shown in Exhibits ANT-1 and FLR-3-NEW running the FCC's OET 69 FLR program.

### DTV Allocation Situation

There are three digital stations within the required 429 kilometer study distance that required extensive study to determine whether or not they would cause or receive interference from the proposed Channel 59 allotment in Richland Center, WI. The attached exhibits FLR-1 NEW, FLR-2-NEW, And FLR-3-NEW demonstrate what interference Appleton, WI DTV 59, Aurora, IL DTV 59, and Ames, IA DTV 59 receive at present and with the addition of Richland Center, Wisconsin, Channel 59. The interference accepted by each of these stations is less than 0.5% and is therefore considered negligible and acceptable.

### **III. Summary**

The Petitioner must now modify the current pattern and antenna to eliminate unacceptable interference to Ames, IA Channel 59, as well as continuing to protect the other surrounding co-channel DTV Allotments.

**Wes, Inc.**

**DECLARATION**

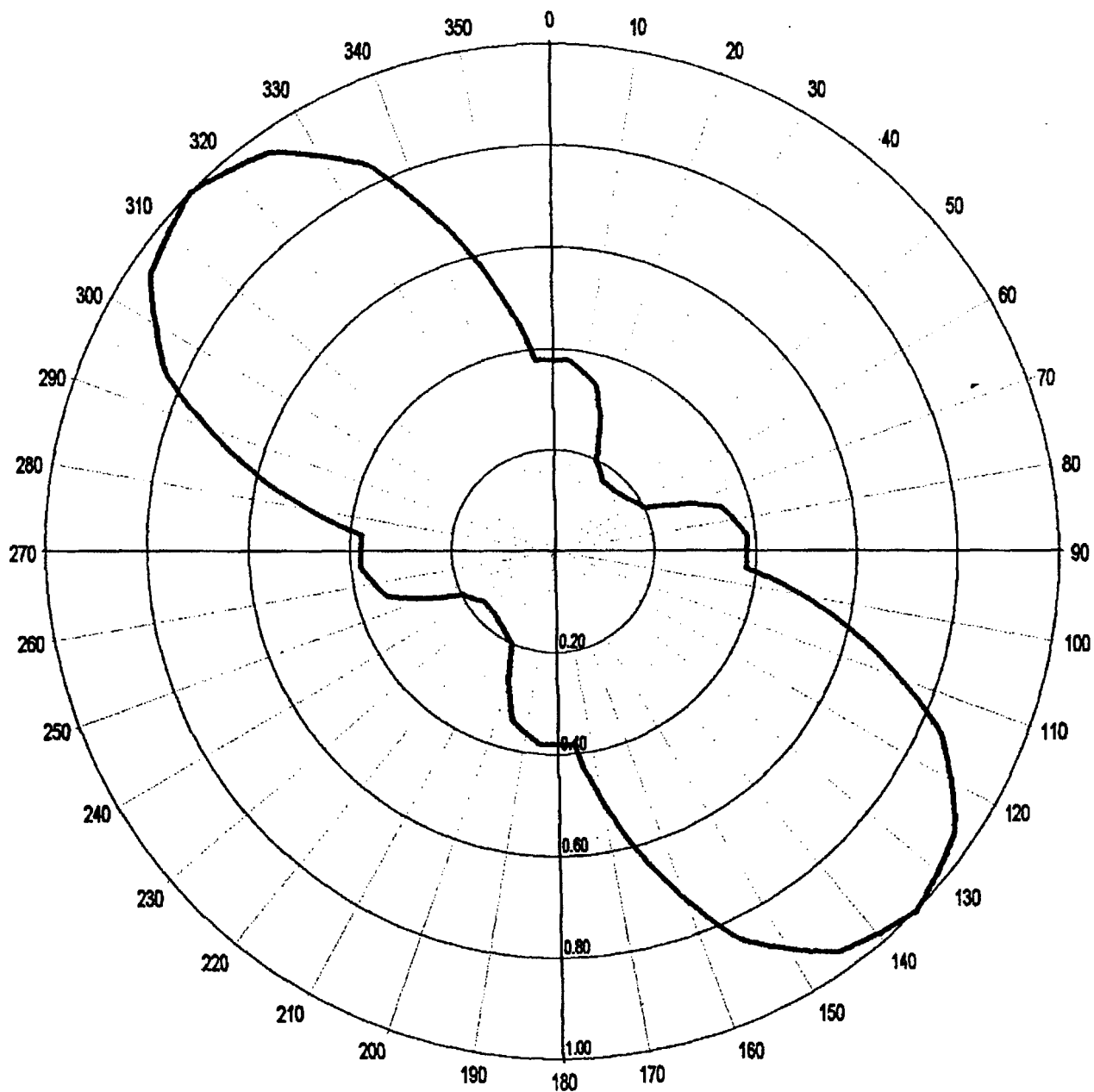
I, Pete E Myrl Warren, III, declare and state that I am a Certified Broadcast Engineer, by the National Association of Radio and Telecommunications Engineers, and my qualifications are a matter of record with the Federal Communications Commission, and that I am an engineer in the firm of Wes, Inc., and that the firm has been retained to prepare an engineering statement on behalf of Fant Broadcasting Development, L.L.C.

All facts contained herein are true to my knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. All Exhibits were prepared by me or under my supervision. I declare under penalty of perjury that the foregoing is true and correct.

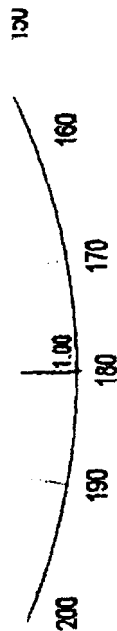


Pete E Myrl Warren, III

Executed on the 3rd day of May, 2001







Azim	Rel.FS	EXP ELEV	dBk
0.0	0.360	722.000	28.565
5.0	0.360	722.000	28.565
10.0	0.360	722.000	28.565
15.0	0.360	722.000	28.565
20.0	0.360	722.000	28.565
25.0	0.360	722.000	28.565
30.0	0.360	722.000	28.565
35.0	0.360	722.000	28.565
40.0	0.360	722.000	28.565
45.0	0.360	722.000	28.565
50.0	0.360	722.000	28.565
55.0	0.360	722.000	28.565
60.0	0.360	722.000	28.565
65.0	0.360	722.000	28.565
70.0	0.360	722.000	28.565
75.0	0.360	722.000	28.565
80.0	0.360	722.000	28.565
85.0	0.360	722.000	28.565
90.0	0.360	722.000	28.565
95.0	0.360	722.000	28.565
100.0	0.360	722.000	28.565
105.0	0.360	722.000	28.565
110.0	0.360	722.000	28.565
115.0	0.360	722.000	28.565
120.0	0.360	722.000	28.565
125.0	0.360	722.000	28.565
130.0	0.360	722.000	28.565
135.0	0.360	722.000	28.565
140.0	0.360	722.000	28.565
145.0	0.360	722.000	28.565
150.0	0.360	722.000	28.565
155.0	0.360	722.000	28.565
160.0	0.360	722.000	28.565
165.0	0.360	722.000	28.565
170.0	0.360	722.000	28.565
175.0	0.360	722.000	28.565
180.0	0.360	722.000	28.565
185.0	0.360	722.000	28.565
190.0	0.360	722.000	28.565
195.0	0.360	722.000	28.565
200.0	0.360	722.000	28.565

WES INC 721 0 2 2 2 5

**Exhibit FLR-1-NEW  
Richland Center, WI 59  
April 21, 2001**

**Fortran Longley-Rice Interference Study  
by WES, Inc. Broadcast Consultants**

Study without Richland Center Channel 59:

Run begins Sat Apr 21 14:01:09 2001, host shiloah  
Analysis of: 59A IL AURORA  
HAAT 509.0 m, ATV ERP 200.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	8333724	24509.3
not affected by terrain losses	8333360	24501.2
lost to NTSC IX	55	12.0
lost to additional IX by ATV	21395	204.8
lost to ATV IX only	21395	204.8
lost to all IX	21450	216.9

Finished Sat Apr 21 14:08:55; run time 0:07:26  
26136 calls to Longley-Rice; path distance increment 1.00 km

Study with Richland Center included with an ACI Custom Peanut  
Pattern oriented at 135 degrees and 5,000 kW:

Run begins Sat Apr 21 13:48:35 2001, host shiloah  
Analysis of: 59A IL AURORA  
HAAT 509.0 m, ATV ERP 200.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	8333724	24509.3
not affected by terrain losses	8333360	24501.2
lost to NTSC IX	1899	80.3
lost to additional IX by ATV	21345	200.8
lost to ATV IX only	21395	204.8
lost to all IX	23244	281.1

Finished Sat Apr 21 13:58:13; run time 0:09:13  
31003 calls to Longley-Rice; path distance increment 1.00 km

**Exhibit FLR-2-NEW**  
**Richland Center, WI 59**  
**April 21, 2001**

**Fortran Longley-Rice Interference Study**  
**by WES, Inc. Broadcast Consultants**

Study without Richland Center Channel 59:

Run begins Sat Apr 21 13:26:26 2001, host shiloah

Analysis of: 59A WI APPLETON

HAAT 321.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	969848	25796.2
not affected by terrain losses	969515	25768.0
lost to NTSC IX	319	24.2
lost to additional IX by ATV	0	0.0
lost to ATV IX only	49	4.0
lost to all IX	319	24.2

Finished Sat Apr 21 13:31:30; run time 0:04:47

16198 calls to Longley-Rice; path distance increment 1.00 km

Study with Richland Center included with an ACI Custom Peanut  
Pattern oriented at 135 degrees and 5,000 kW:

Run begins Sat Apr 21 13:02:19 2001, host shiloah

Analysis of: 59A WI APPLETON

HAAT 321.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	969848	25796.2
not affected by terrain losses	969515	25768.0
lost to NTSC IX	2226	108.8
lost to additional IX by ATV	0	0.0
lost to ATV IX only	49	4.0
lost to all IX	2226	108.8

Finished Sat Apr 21 13:09:12; run time 0:06:35

22423 calls to Longley-Rice; path distance increment 1.00 km

**Exhibit FLR-3-NEW**  
**Richland Center, WI 59**  
**April 21, 2001**

**Fortran Longley-Rice Interference Study**  
**by WES, Inc. Broadcast Consultants**

Study without Richland Center Channel 59:

Run begins Sat Apr 21 13:34:18 2001, host shiloah

Analysis of: 59A IA AMES

HAAT 616.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	910849	43419.4
not affected by terrain losses	908336	43069.9
lost to NTSC IX	30	8.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	30	8.0

Finished Sat Apr 21 13:37:25; run time 0:02:54

12161 calls to Longley-Rice; path distance increment 1.00 km

Study with Richland Center included with an ACI Custom Peanut  
Pattern oriented at 135 degrees and 5,000 kW:

Run begins Sat Apr 21 13:39:20 2001, host shiloah

Analysis of: 59A IA AMES

HAAT 616.0 m, ATV ERP 1000.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	910849	43419.4
not affected by terrain losses	908336	43069.9
lost to NTSC IX	92	20.1
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	92	20.1

Finished Sat Apr 21 13:43:09; run time 0:03:33

14187 calls to Longley-Rice; path distance increment 1.00 km

**CERTIFICATE OF SERVICE**

I, Dean R. Brenner, do hereby certify that a true and correct copy of the foregoing Petition for Leave to Amend Petition for Rule Making was served by hand this 8<sup>th</sup> day of May 2001, to:

Nazifa Naim  
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Dean R. Brenner

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